

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CRAIG SCHUB, et al.,)	1: 05-CV-00559-AWI-SMS
)	
Plaintiffs,)	<u>ORDER VACATING HEARING ON MOTION</u>
v.)	<u>TO REMAND ACTION TO STATE COURT</u>
)	<u>AND FOR SANCTIONS AND DEEMING</u>
ERNEST MERRILL, et al.,)	<u>MOTION SUBMITTED (DOC. 5)</u>
)	
Defendants.)	<u>Vacated Date of Hearing:</u>
)	<u>September 9, 2005</u>

Plaintiffs are proceeding with a civil action in this Court. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rules 72-302(c)(1) and 72-303.

Pursuant to Rule 78-230(h) of the Local Rules of Practice for the United States District Court, Eastern District of California, the Court finds that Plaintiffs' motion to remand the action to state court and for sanctions is a matter that may appropriately be submitted upon the record and briefs.

Accordingly, the hearing on the motion, presently set for September 9, 2005, IS VACATED.

The motion to remand the action to state court IS DEEMED SUBMITTED to the Court for consideration and preparation of findings and recommendations by the Magistrate Judge and for

1 decision by the District Judge after an appropriate time for the
2 filing of objections and any reply thereto has passed.

3 IT IS SO ORDERED.

4 **Dated: August 9, 2005**
icido3

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE